



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 6796-99

16 February 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 22 February 1980 at age 17. The record shows that during the period from 9 October 1980 to 10 June 1982 you received nonjudicial punishment on five occasions. Your offenses were three periods of unauthorized absence totaling about 14 days, multiple absences from restricted musters, disobedience, being drunk on duty and possession of marijuana. A record entry dated 26 June 1982 indicates that you were involved in an incident of illegal drug use or possession.

Based on the foregoing record of misconduct you were processed for an administrative discharge. In connection with this processing, you elected to waive your right to have your case heard by an administrative discharge board. A message in the file indicates that you were diagnosed as being alcohol dependent, but had no potential for further service and refused treatment for your dependency. On 26 July 1982 the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with a discharge under other than honorable conditions. On 5 August 1982 you were involved in another incident of use or possession of drugs. You

were discharged under other than honorable conditions on 13 August 1982.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, and the documentation you submitted showing that you have overcome drug and alcohol dependence and have become a good citizen. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your multiples instances of misconduct. The Board was aware that regulations state that drug and alcohol abuse is not an excuse for misconduct. In addition, the regulations do not prohibit discharge processing for individuals who are found to be drug and alcohol dependent. The only requirement is that the individual be offered a rehabilitation program prior to discharge. As indicated, you were apparently offered such a program but declined to participate. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director